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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/736,988	12/14/2000	Nk Srinivas	50037.10US01/163942.1	8473

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EXAMINER	
BAROT, BHARAT	
ART UNIT	PAPER NUMBER
2155	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	12/18/2006	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	09/736,988	SRINIVAS ET AL.	
	Examiner	Art Unit	
	Bharat N. Barot	2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *26 October 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

RESPONSE TO REQUEST FOR CONTINUED EXAMINATION (RCE)

1. Claims 1-20 remain for further examination.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1-20 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claims 1, 7, and 11 recited the subject matter "automatically tuning the size of the TCP receive window on the receiving computing device based on the determined bandwidth, wherein automatically tuning the size of the TCP receive window comprises setting the size of the current TCP receive window without adjusting a packet header of a packet that has been sent by a sending computing device," which was not properly describe in the specification as filed, and applicant amend this limitation after reviewing cited references, but applicant did not disclosed that the specification is supported to the amended limitation and the specification did not disclose even a packet header. Applicant claimed negative limitation, which were not satisfactorily resolved and

consequently raise doubt as to possession of the claimed invention at the time of filing patent application.

Other dependent claims, which are not specifically cited above are also rejected because of the deficiencies of their respective parent claims.

The old rejection maintained

4. Applicant's arguments with respect to claims 1-20 and request for continued examination (RCE) filed on October 26, 2006 have been fully considered but they are not deemed to be persuasive for the claims 1-20. The rejection is respectfully maintained as set forth in the last Office Action mailed on April 26, 2006.

Claim Rejections - 35 USC § 103(a)

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

6. Claims 1-15 and 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Klassen et al (U.S. Patent No. 6,711,137) in view of Dillon et al (U.S. Patent No. 6,473,793).

7. As to claim 1, Klassen et al teach a computer-implemented method for tuning a size of a TCP receive window on a receiving computing device (see abstract; figure 1; column 7 lines 49-55; and column 8 lines 33-37) comprising: determining a bandwidth of

a network connection (figure 1; and column 7 line 66 to column 8 line 2); and tuning the size of the TCP receive window based on the determined bandwidth (figure 1; column 8 lines 7-19; column 13 lines 21-44; and column 19 lines 11-48).

However, Klassen et al do not explicitly teach that automatically tuning the size of the TCP receive window comprises setting the size of the current TCP receive window without manual intervention.

Dillon et al explicitly teach that automatically tuning the size of the TCP receive window on the receiving computing device (hybrid gateway receives the packet and adjusting the window size based on the user bandwidth) based on the determined bandwidth, wherein automatically tuning the size of the TCP receive window comprises setting the size of the current TCP receive window without manual intervention (figures 1 and 14; column 9 lines 39-67; column 10 lines 20-43; column 11 lines 23-35; column 16 lines 8-36; column 21 lines 26-32; and column 22 lines 1-3).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Dillon et al as stated above with the method and system of Klassen et al for automatically tuning a size of a TCP receive window because it would have minimized the system bottleneck and provided efficient way of managing the transmission of information in the network.

8. As to claim 2, Klassen et al teach the steps of: obtaining at least one attribute of a network connection device; and determining the bandwidth of the network connection from the at least one obtained attribute (column 9 lines 47-59; and column 11 lines

22-64).

9. As to claim 3, Klassen et al teach the steps of: determining the size of the TCP receive window based on the determined bandwidth; and setting the size of the TCP receive window to the determined size bandwidth (column 3 lines 39-49; column 13 lines 21-44; and column 19 lines 11-48).

Dillon et al explicitly teach that determining the size of the TCP receive window based on the determined bandwidth; and setting the size of the TCP receive window to the determined size bandwidth (column 9 lines 39-67; column 21 lines 26-32; and column 22 lines 1-3).

10. As to claim 4, Klassen et al teach a step of: accessing the size of the TCP receive window from a look-up table (database/storage) (column 6 lines 29-40; and column 8 line 60 to column 9 line 10).

However, Klassen et al do not explicitly teach that the look-up table includes at least three different sizes from which the size of the TCP receive window is selected.

Dillon et al explicitly teach that the look-up table includes at least three different sizes from which the size of the TCP receive window is selected (column 16 lines 7-56).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Dillon et al as stated above with the method and system of Klassen et al for automatically tuning a size of a TCP receive window because it would have provided more selection for the window size; therefore , the system tuned the best size of the TCP receive window.

11. As to claim 5, Klassen et al teach a step of: determining a speed of the network connection device or a name of the network connection device (column 7 lines 56-65; and column 8 line 60 to column 9 line 10).

Dillon et al explicitly teach that determining a speed of the network connection device or a name of the network connection device (column 10 lines 20-44).

12. As to claim 6, Klassen et al teach the steps of: monitoring the network connection to determine if the network connection has changed: and tuning the size of the TCP receive window if the network connection has changed (column 8 line 60 to column 9 line 10; column 13 lines 21-44; and column 15 lines 23-36).

13. As to claims 7-10, they are also rejected for the same reasons set forth to rejecting claims 1-4 and 6 above, since claims 7-10 are merely a computer readable medium having instructions for controlling the method of operations defined in the claims 1-4 and 6.

14. As to claims 11-14, they are also rejected for the same reasons set forth to rejecting claims 1-2 and 5-6 above, since claim 11-14 are merely an apparatus to performing the method of operations defined in the claims 1-2 and 5-6.

15. As to claims 15 and 19, claim 15 is rejected for the same reasons set forth to rejecting claims 3-4 above and claim 19 is merely an apparatus to performing the method of operations defined in the claim 15.

16. As to claim 17, Klassen et al disclose that the at least one attribute is a name of a network connection device (column 9 lines 22-23).

17. As to claim 18, Klassen et al teach that sizing the TCP receive window based on a type of a network connection device (figures 3-4; and column 9 line 32 to column 10 line 16).

18. Claims 16 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Klassen et al (U.S. Patent No. 6,711,137) in view of Dillon et al (U.S. Patent No. 6,473,793) as applied to claims 1 and 11 above, and further in view of Toporek et al (U.S. Patent No. 6,654,344).

19. As to claim 16, neither Klassen nor Dillon explicitly teaches that determining a version of the operating environment executing on the processor / current operating system and setting the size of the TCP receive window based on the operating environment / operating system.
Toporek et al explicitly teach that determining a version of the operating environment executing on the processor / current operating system and setting the size of the TCP

receive window based on the determined bandwidth and the operating environment / operating system (column 5 lines 21-40; column 6 lines 48-60; column 10 lines 32-46; and column 18 lines 7-28).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Toporek et al as stated above with the method and system of Klassen et al for automatically tuning a size of a TCP receive window because it would have minimized the system bottleneck and provided efficient way of managing the transmission of information in the network.

20. As to claim 20, claim 20 is rejected for the same reasons set forth to rejecting claim 16 above, since claim 20 is merely an apparatus to performing the method of operations defined in the claim 16.

Response to Arguments

21. Applicant's arguments have been fully considered. The examiner has attempted to answer (response) to the remarks (arguments) in the body of the Office action.

Contact Information

22. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Bharat Barot** whose Telephone Number is **(571) 272-3979**. The examiner can normally be reached on Monday-Friday from 9:30 AM to 6:00 PM. Most facsimile-transmitted patent application related correspondence is required to be sent to the Central FAX Number **(571) 273-8300**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Saleh Najjar**, can be reached at **(571) 272-4006**.

Bharat Barot

BHARAT BAROT
PRIMARY EXAMINER

Patent Examiner Bharat Barot

Art Unit 2155

December 01, 2006